

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CAROTEK, INC.,

Plaintiff,

- v -

KOBAYASHI VENTURES, LLC,

Defendant.

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EVENT CAPTURING SYSTEMS, INC.,

Plaintiff,

- v -

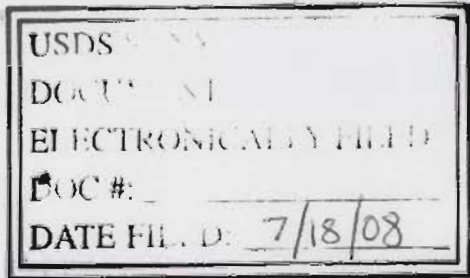
KOBAYASHI VENTURES, LLC,

Defendant.

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NAOMI REICE BUCHWALD

UNITED STATES DISTRICT JUDGE



ORDER

07 Civ. 11163 (NRB)

08 Civ. 5706 (NRB)

**WHEREAS** the case captioned Event Capturing Systems, Inc. v. Kobayashi Ventures, LLC, No. 08 Civ. 5706, (the "Event Capturing Systems case") was filed on June 24, 2008; and

**WHEREAS** on July 16, 2008 the Event Capturing Systems case was accepted by this Court as related to the case captioned Carotek, Inc. v. Kobayashi Ventures, LLC, No. 07 Civ. 11163 (the "Carotek case"); and

**WHEREAS** a conference call with the parties and the Court was held on July 16, 2008 to discuss (1) Carotek's request to file a motion to seek leave to amend and (2) Kobayashi's request to move to withdraw its patent infringement counterclaims against Carotek without prejudice; and

**WHEREAS** the parties agreed to a consolidation of the Event Capturing Systems and Carotek cases; and

**WHEREAS** because of the agreement to consolidate the cases, Kobayashi withdrew its request to move to withdraw its patent infringement counterclaims against Carotek without prejudice; it is hereby

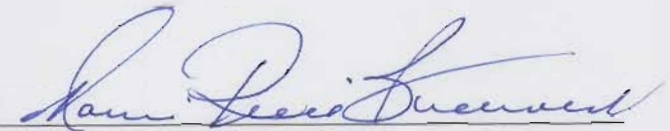
**ORDERED** that the Event Capturing Systems and Carotek cases are consolidated under the docket number 07 Civ. 11163 (NRB) pursuant to Fed. R. Civ. P. 42; and it is further

**ORDERED** that Carotek's request for leave to file an amended complaint is granted; and it is further

**ORDERED** Kobayashi's request to withdraw its patent infringement counterclaims against Carotek is deemed moot because Kobayashi has withdrawn its request; and it is further

**ORDERED** that the parties shall agree on a briefing schedule on the issues relating to liability under the licensing agreement between Kobayashi and Carotek, which schedule shall provide for a briefing period not to exceed 60 days.

Dated: New York, New York  
July 17, 2008

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

A copy of the foregoing Order has been mailed on this date to the following:

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